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Attorney Docket No. 23644.00

Customer No. 37833

Confirmation No. 4637

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE *PATENT* APPLICATION OF:

APPLICANT : **ECKHARD K. FRIEDRICH *et al.***

APPL. NO. : **10/762,317**

ART UNIT : **1744**

FILED : **January 23, 2004**

EXAMINER : **CHORBAJI, M. R.**

TITLED : **CANDLES WITH FRAGRANCE RESERVOIRS  
AND DISPLAY CABINET**

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Sir:

In the Office Action dated April 5, 2007, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I.. Claims 1-2, 4-9 and 19-23, drawn to a candle.
- II. Claims 14-18, drawn to a method of displaying and selling candles.

The Examiner states that the inventions as grouped are related as process and apparatus for its practice. The Examiner asserts that the apparatus of Group I can be used to practice a process materially different from that of Group II, such as deodorizing air.



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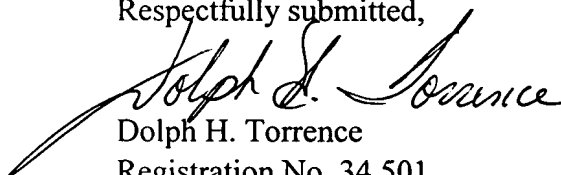
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In compliance with the Examiner's restriction requirement, Applicants provisionally elect with traverse for further prosecution the invention defined by Claims 1-2, 4-9 and 19-23 (designated as Group I).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicants contend that they should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicants await a complete action on the merits of the elected subject matter.

Respectfully submitted,

  
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